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DEPT FOR DRL, EAP/CM

E.O. 12958: DECL: 12/13/2031

TAGS: PHUM PREL PGOV CH

SUBJECT: HUMAN RIGHTS: GAO ZHISHENG REPORTEDLY ADMITS GUILT
ON CHARGE OF "INCITING SUBVERSION" IN SURPRISE TRIAL

Classified By: Political Internal Unit Chief Susan Thornton. Reasons 1
.4 (b) and (d).

¶1. (C) Beijing-based democracy activist Hu Jia told poloff December 13 that Gao Zhisheng, a Beijing-based lawyer who has angered Chinese Government authorities by defending dissidents in politically sensitive cases, was tried in Beijing Number One Intermediate Court and admitted guilt on a charge of "incitement to subvert the government" on December ¶12. On December 11, the Beijing court told Gao's lawyers Mo Shaoping and Ding Xihui that Gao had refused to be represented by counsel and the court declined to open case files and records to the lawyers. The court failed to give Gao's lawyers or family notice of the trial, thus depriving them of an opportunity to attend, Mo reported.

¶2. (C) Two court-appointed lawyers represented Gao at the December 12 trial, according to Mo. Mo stressed that he never had an opportunity to meet with Gao, discuss the criminal charge against him or see the indictment or evidence in the case. According to Mo, the fact that the court declared Gao's trial "open" on December 12 shows that the court violated the law when it refused Gao access to counsel when his case was being investigated. The court earlier refused to allow Mo and Ding to meet with Gao on grounds that his case concerned state secrets. A Chinese official told Mo that Gao has admitted guilt but Mo, unable to see or talk with Gao, has not independently confirmed this. It is not clear when Gao's sentence will be announced.

¶3. (C) Hu Jia told poloff that, despite Mo's commitment to Gao's defense, he is concerned about drawing security officials' ire. Mo reportedly warned Gao's wife that international media focus on Gao's case may adversely affect Gao's sentence. Lawyer Ding Xikui, who is scheduled to begin an IV program focusing on legal reform in January 2007, fears that his involvement in Gao's case may lead authorities to harass or detain him, according to Hu.
Randt